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UNCLAS TEGUCIGALPA 000154

SIPDIS

FOR CA/OCS/CI

E.O. 12958: N/A

TAGS: [KOCI](#) [CASC](#) [HO](#)

SUBJECT: HAGUE COMPLIANCE REPORT PREPARATION

REF: SECSTATE 00568

1. Post concurs with CA/OCS/CI's Assessment of Honduran non-compliance with the Hague Convention on International Child Abduction.

2. Furthermore, on July 9, 2003, Consular reps once again explained to the IHNFA representatives that the applicability issue regarding the Hague Abduction Convention was settled in July 2001 when Ambassador Policarpo Callejas, Ministry of Foreign Affairs Advisor, confirmed that since both Honduras and the USA are signatories to the Vienna Convention, the Hague Convention on International Child Abduction is in force between the two countries. The Vienna Convention Article 27 states that a country may not invoke the provisions of its internal law (ratification requirement) as justification for its failure to implement specific provisions of a treaty. The IHNFA reps provided us with a copy of a letter dated May 30, 2003 addressed to the President of the Honduran Congress, Porfiro Lobo, in which they requested that Congress define the applicability of the Hague Convention in Honduras. Consular reps also provided the IHNFA with copies of all the documentation indicating that this issue had already been resolved. On June 11, 2003, Post sent a letter to the President of the Honduran Congress Porfirio Lobo, requesting a prompt response to IHNFA's original inquiry. On November 18, 2003, Post sent a letter to Congressman Jorge Arturo Reina, assigned to handle this issue, requesting a status report. Several days later Congressman Reina responded by phone stating that they are diligently working to ratify the Convention as soon as possible.

4. Cases currently pending at IHNFA:

- On May 27, 1998, Post submitted Hague application to the IHNFA for the return of Chelsea Nicolette Patterson.
- On July 10, 2003, Post submitted Hague application to the IHNFA for the return of Kevin Obed Berrios.
- On October 9, 2003, Post submitted Hague applications to the IHNFA for the return of Jonathan Nassar Morais, Joshua Nassar Morais and Erick Junior Nassar Morais.

5. Post will continue to actively pursue resolution of this matter by GOH authorities representing the Legislative and Executive branches of the government and will advise the Department of any new developments as they become available.

PALMER